

1 JILL NEIMAN (BAR NO. 164702)
jneiman@mofo.com
2 REBECCA S. SAE LAO (BAR NO. 222731)
rsaelao@mofo.com
3 MORRISON & FOERSTER LLP
425 Market Street
4 San Francisco, California 94105-2482
Telephone: (415) 268-7000
5 Facsimile: (415) 268-7522
Attorneys for Plaintiff
6 APPLIED ELASTOMERICS, INC.

7 DILLINGHAM & MURPHY, LLP
PATRICK J. HAGAN (BAR NO. 68264)
8 pjh@dillinghammurphy.com
MARK J. ROGERS (BAR NO. 173005)
9 mjr@dillinghammurphy.com
225 Bush Street, 6th Floor
10 San Francisco, California 94104-4207
Telephone: (415) 397-2700
11 Facsimile: (415) 397-3300
12 Attorneys for Defendant
Z-MAN FISHING PRODUCTS, INC.
13

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION
17

18 APPLIED ELASTOMERICS,
INCORPORATED, a California corporation,
19 Plaintiff,
20
v.
21 Z-MAN FISHING PRODUCTS,
INCORPORATED, a South Carolina
corporation,
22
Defendant.
23
24

Case No. C06-02469 CW
**STIPULATION REGARDING
BRIEFING SCHEDULE AND
ORDER**

Honorable Claudia Wilken

25
26
27
28

1 Plaintiff and Counter-Defendant Applied Elastomerics, Incorporated (“AEI”) and Defendant
2 and Counter-Complainant Z-Man Fishing Products, Incorporated (“Z-Man”), through their respective
3 attorneys of record, submit this stipulation and proposed order pursuant to Northern District Local
4 Rule 6-2.

5 Whereas the Court entered its Order dismissing nine of Z-Man’s counterclaims on
6 November 8, 2006.

7 Whereas Z-Man filed its First Amended Counter-Complaint on November 22, 2006.

8 Whereas the parties participated in private mediation on November 30, 2006, but did not
9 settle the case.

10 Whereas during the Case Management Conference the Court authorized the parties to
11 stipulate to a briefing schedule for AEI’s motion to dismiss Z-Man’s amended counterclaims and/or
12 motion for judgment on the pleadings.

13 Whereas the parties’ counsel met and conferred on December 4, 2006 and agreed to a briefing
14 schedule.

15 Whereas the previous time modifications in this case include the following: 1) On April 27,
16 2006, the parties stipulated to provide Z-Man with an additional 20 days within which to respond to
17 AEI’s Complaint. 2) On September 28, 2006, pursuant to Z-Man’s request, the parties stipulated
18 that the hearing date for the parties’ pending motions (Z-Man’s transfer motion and AEI’s motion to
19 dismiss counterclaims) and the date of the parties’ Case Management Conference be rescheduled
20 from October 20, 2006 to November 3, 2006.

21 Whereas this stipulation will not have any affect on the schedule for the case.

22 IT IS HEREBY STIPULATED between AEI and Z-Man as follows:

23 1) AEI will have until December 29, 2006 to answer or otherwise respond to the First
24 Amended Counter-Complaint. (A motion to dismiss any portion of the First Amended Counter-
25 Complaint will obviate the need for AEI to file an answer to the First Amended Counter-Complaint
26 until after the motion is decided.) December 29, 2006 also is the deadline for filing the motion for
27 judgment on the pleadings or motion for partial summary judgment concerning the payment of
28 minimum royalties authorized by the Court during the Case Management Conference.

1 2) Z-Man's opposition to any motion filed on December 29, 2006 is due on or before January
2 12, 2007.

3 3) AEI's reply brief in support of any motion filed on December 29, 2006 is due on
4 January 19, 2007.

5 4) The hearing on any motion filed by AEI on December 29, 2006 will take place on
6 February 2, 2007 at 10:00 a.m.

7 It is further stipulated that any and all motions filed by AEI on December 29, 2006 will be
8 included in a single brief, subject to the page limits set forth the Northern District Local Rules.
9 Similarly, Z-Man will file a single opposition brief and AEI will file a single reply brief, each of
10 which will be subject to the page limits set forth in the Northern District Local Rules.

11

12 Dated: December 7, 2006

MORRISON & FOERSTER LLP

13

14 By: _____/s/

15 Jill Neiman

16 Attorneys for Plaintiff Applied Elastomerics, Inc.

17

Dated: December 7, 2006

DILLINGHAM & MURPHY, LLP

18

19 By: _____/s/

20 Mark J. Rogers

21 Attorneys for Defendant Z-Man Fishing
22 Products, Inc.

23

24

25 IT IS SO ORDERED.



26

Dated: 12/11, 2006

27 _____
28 United States District Judge
 Honorable Claudia Wilken

29

30

31

32

1 I, Jill Neiman, am the ECF User whose ID and password are being used to file this Stipulation
2 Regarding Briefing Schedule and [Proposed] Order. In compliance with General Order 45, X.B.,
3 I hereby attest that Mark J. Rogers has concurred in this filing.

4

5 Dated: December 7, 2006

MORRISON & FOERSTER LLP

6

7 By: /s/
Jill Neiman
8 Attorneys for Plaintiff and Counter-Defendant
Applied Elastomerics, Inc.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28